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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|-------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 19-00280 RS |
| Plaintiff, |) | |
| v. |) | STIPULATION AND ORDER RE: |
| |) | RESTITUTION |
| ROGELIO BELLOSO ALEMAN, a/k/a |) | |
| "Smiley," |) | The Honorable Richard Seeborg |
| Defendant. |) | |

The United States, by and through its counsel of record, and defendant Rogelio Belloso Aleman, a/k/a "Smiley" ("Defendant"), through his counsel of record, hereby stipulate as follows:

- On November 29, 2022, Defendant pleaded guilty to 18 U.S.C. § 1962(d) (Racketeering Conspiracy) and § 1959(a)(3) (VICAR Assault).
- At the sentencing hearing on March 21, 2023, the Court ordered Defendant to serve 204 months in custody, plus 5 years of supervised release, and deferred the determination of restitution.
- Restitution is mandatory to victims of violent crime. 18 U.S.C. § 3663A (MVRA). Specifically, the law provides that a court "shall order...restitution" and that this restitution order "shall

order restitution to each victim” through the appropriate court mechanism “in the full amount of the victim’s losses as determined by the court and without consideration of the economic circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A). “The definition of ‘full amount of the victim’s losses’ includes “any other losses suffered by the victim as a proximate result of the offense.” 18 U.S.C. § 2248(b)(3). A court “may not decline to issue an order under this section because of...the economic circumstances of the defendant; or...the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.” 18 U.S.C. § 2248(b)(4)(B).

4. To conserve judicial resources, to bring about a speedy resolution of this matter, and to avoid further litigation, the parties agree and jointly request that the Court, upon approval of this Stipulation, may enter an Amended Judgment to order restitution to the victims in the amounts as set forth:

- a. \$17,456.06 in total restitution resulting from the harm caused to victim German Polanco Gil.
 - i. Polanco Gil’s family will receive \$12,456.06 of the \$17,456.06.
 - ii. \$5,000 will go to the California Victim’s Compensation Board, which previously covered \$5,000 worth of Polanco Gil’s funeral expenses, only after Polanco Gil’s family has received the \$12,456.06.

5. The government has discussed this stipulation with the victims who requested and are entitled to restitution in this case. These victims agreed to accept the restitution amounts, as specified in Paragraph 4, as full restitution.

6. The parties agree that the full amount of special assessment, fine, and restitution is due immediately in accordance with 18 U.S.C. § 3572(d) and in accordance with the parties’ plea agreement.

7. The parties further agree to the following payment schedule:

- a. During imprisonment, payment of criminal monetary penalties is due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prison’s Inmate Financial Responsibility Program.
- b. Once the Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$200 or at least 10% of earnings, whichever is greater, to

commence no later than 60 days from placement on supervision.

8. Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The restitution payments shall be made to the Clerk of U.S. District Court, Attention: Financial Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

9. The parties agree that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution the Court orders herein and may order such payment in the future, but such future orders do not affect Defendant's responsibility for the full amount of the restitution ordered.

10. The parties request that the Court issue an Amended Judgment containing the terms of paragraphs 4, 6, 7, 8, and 9 above.

DATED: June 21, 2023

Respectfully submitted,
THOMAS A. COLTHURST
Attorney for the United States

/s/
ASEEM PADUKONE
ANDREW SCOBLE
Assistant United States Attorney

Counsel for the United States

DATED: June 21, 2023

Respectfully submitted,

/s/
GEORGE BOISSEAU
Attorney for Defendant Rogelio Belloso Aleman

ORDER

Defendant Rogelio Belloso Aleman will pay a total of \$17,456.06 in restitution, in the amounts specified to the individuals specified as follows:

- a. \$12,456.06 in total to victim German Polanco Gil's family.
- b. Only after Polanco Gil's family receives \$12,456.06, the California Victim's Compensation Board should receive \$5,000 (P.O. Box 3036, Sacramento, CA 95812).

The full amount of special assessment, fine, and restitution is due. During imprisonment, payment of criminal monetary penalties are due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prison's Inmate Financial Responsibility Program. Once the Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$200 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from placement on supervision.

Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, but such future orders do not affect this Defendant's responsibility for the full amount of the restitution ordered."

The Court shall issue an amended judgment. The restitution hearing originally set for June 27, 2023 is hereby vacated.

IT IS SO ORDERED.

DATE: 6/21/2023



HON. RICHARD SEEBORG
CHIEF UNITED STATES DISTRICT JUDGE